

RIGHT TO KNOW ADVISORY COMMITTEE

DRAFT AGENDA

May 25, 2010

1:00 p.m.

Room 438, State House, Augusta

Convene

1. Welcome and Introductions
Senator Barry Hobbins, Chair
2. Chairs, Joint Standing Committee on Judiciary
Senator Lawrence Bliss
Representative Charles Priest
3. Summary of Second Regular Session, 124th Legislature's FOA actions in 2010
 - RTK AC recommendations
 - LD 1791, An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Records of Public Proceedings (Resolve 2009, c. 186: Resolve, Directing the Right To Know Advisory Committee To Further Examine Requirements That Public Bodies Keep Records of Public Proceedings)
 - LD 1792, An Act to Implement the Recommendations of the Right to Know Advisory Committee (PL 2009, c. 567)
 - Proposed public records exceptions
4. Existing exceptions review process (Titles 22 - 25, recommendations due January 2012)
5. Requests from Legislature
 - Public Law 2009, c. 567, Sec. 11
Bulk records requests (SLG letter to CIO Thompson to convene a group on this issue, too)
Richard B. Thompson, Chief Information Officer
 - Resolve 2009, c. 171 (LD 1551)
 - Use of communication technologies to ensure decisions are made in public proceedings
 - Penalties for violations
 - Partisan caucuses
 - Resolve 2009, c. 186 (LD 1791)
Requirement that public bodies keep records of meetings
 - Resolve 2009, c. 184 (LD 1802)
Protection of private information in electronic and other communications sent and received by public officials, particularly between elected officials and their constituents
 - Review FAME exceptions? (removed from LD 1792 by JUD)
 - Judiciary Committee: Title 1, Section 434 lists only public records exceptions as subject matter to be reviewed; should that be expanded to include any aspect of law that restricts access to otherwise public records? (LD 1554: can the price charged for copies of public records be so high that public access is constructively limited? PL 2009, c. 575)
 - Judiciary Committee: LD 1627 rewrote the Central Voter Registry confidentiality provisions with Title 21-A. The Judiciary Committee is interested in an analysis of the information contained in the CVR, what is entirely confidential, what can be released for limited purposes and what is completely public.

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6. Continuing projects
 - Criminal History Record Information Action (CHRIA) - working with CLAC
 - Social Security Numbers
 - Use of technology in public proceedings (member participation from remote locations)
 - Bulk electronic data (see PL 2009, c. 257, section 11 on same topic)
7. Law School Externship - update
8. Education and training for elected public officials - discussion
9. Scheduling future meetings, subcommittee meetings
10. Other?

Adjourn

Right to Know Advisory Committee

P.L. 2005, Chapter 631

Wednesday, May 12, 2010

Appointment(s) by the Governor

Karla Black

1 State House Station
Augusta, ME 04333

Representing State Government Interests

Richard P. Flewelling

Maine Municipal Assoc
60 Community Drive
Augusta, ME 04330

Representing Municipal Interests

Harry Pringle

Drummond Woodsum & MacMahon
245 Commercial St PO Box 9781
Portland, ME 04104-5081
207 772-1941

Representing School Interests

Appointment(s) by the President

Shenna Bellows

Maine Civil Liberties Union
401 Cumberland Ave.
Portland, ME 04101
207 774-5444

Representing the Public

Robert Devlin

Kennebec County Administrator
125 State Street
Augusta, ME 04330
207 622-0971

Representing County or Regional Interests

Mark Dion

Cumberland County Sheriff's Department
36 County Way
Portland, ME 04102
207 774-1444

Representing Law Enforcement Interests

A. Jay Higgins

18 West Street
Manchester, ME 04351

Representing Broadcasting Interests

Kelly Morgan

90 Loggin Road
Cape Neddick, ME 04072

Representing the Press

Sen. Barry J. Hobbins

22 Glenhaven Circle
Saco, ME 04072
207 282-5985

Senate Member of Judiciary Committee

Appointment(s) by the Speaker

Rep. Dawn Hill

P.O. Box 701
Cape Neddick, ME 03902
207 363-7594

House Member of the Judiciary Committee

Suzanne Goucher
ME. Assoc. of Broadcasters
69 Sewall Street Suite 2
Augusta, ME 04330
207 623-3870

Representing Broadcasting Interests

Mal Leary
Capitol News Service
17 Pike Street
Augusta, ME 04330
207 621-2384

Representing a Statewide Coalition of Advocates of
Freedom of Access

Judy Meyer
Lewiston Sun Journal
104 Park Street
Lewiston, ME 04243-4400
207 689-2902

Representing Newspaper Publishers

Chris Spruce
1011 Happytown Road
Ellsworth, ME 04605
207 667-3186

Representing the Public

Attorney General

Linda Pistner
Chief Deputy Attorney General
6 State House Station
Augusta, ME 04333
207 626-8800

Designee

Chief Justice

James T. Glessner
State Court Administrator
PO Box 4820
Portland, ME 04112
207 822-0792

Member of the Judicial Branch

Staff:

Peggy Reinsch 287-1670
OPLA

Colleen McCarthy Reid 287-1670
OPLA

SENATE

LAWRENCE BLISS, District 7, Chair
BARRY J. HOBBS, District 5
DAVID R. HASTINGS III, District 13

MARGARET J. REINSCH, Legislative Analyst
SUSAN M. PINETTE, Committee Clerk



HOUSE

CHARLES R. PRIEST, Brunswick, Chair
MARK E. BRYANT, Windham
CYNTHIA A. DILL, Cape Elizabeth
RICHARD C. CLEARY, Houlton
DAWN HILL, York
CHARLES B. KRUGER, Thomaston
SARA R. STEVENS, Bangor
JOAN M. NASS, Acton
MICHAEL G. BEAULIEU, Auburn
JARROD S. CROCKETT, Bethel
WAYNE T. MITCHELL, Penobscot Nation

State of Maine
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON JUDICIARY

May 13, 2010

Senator Barry J. Hobbins, Chair
Right to Know Advisory Committee

Re: Freedom of Access and the Penobscot Nation and the Passamaquoddy
Tribe

Dear Senator Hobbins:

As you know, the Maine Supreme Judicial Court determined in 2001 that the Maine Freedom of Access laws apply to the Penobscot Nation and the Passamaquoddy Tribe in certain circumstances. *Great Northern Paper, Inc. v. Penobscot Nation*, 2001 ME 68. The Penobscot Nation and the Passamaquoddy Tribe strongly disagree with the conclusion, as well as the analysis used to reach it. Their arguments are based on tribal sovereignty and the respect that is due a separate government, as opposed to a political subdivision.

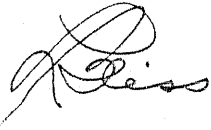
The Tribal-State Work Group recommended in 2008 that the Maine Implementing Act be amended to clarify that the Tribes are completely exempt from the FOA laws. That recommendation, although discussed in various versions, was not adopted by the Judiciary Committee or the Legislature as a whole. This has been a somewhat painful matter for the Tribes and the Judiciary Committee to work around in dealing with other tribal-state relations issues.

We write to inform the Advisory Committee that, as Chairs of the Judiciary Committee, we are beginning a dialogue with the Penobscot Nation and the Passamaquoddy Tribe, the Governor's Office and the Office of the Attorney General to take a fresh look at whether it is appropriate to apply the Freedom of Access laws to the Penobscot Nation and the Passamaquoddy Tribe. We will be interested in the thoughts of the Advisory Committee, and would like your help in examining some of the public policy concerns that may arise throughout this process. We would also like the Advisory Committee to consider the availability of applicable FOIA-type Acts of the Penobscot Nation and the Passamaquoddy Tribe in dealing with this question. At some point, we

hope to be ready to request time on your agenda to have representatives of the Tribes and the State talk with you about the underlying principles and the possible roads to resolution.

Thank you for letting us bring this important concern to your attention. We look forward to working with you in the near future.

Sincerely,



Senator Lawrence S. Bliss
Senate Chair



Representative Charles R. Priest
House Chair

c: Rep. Wayne Mitchell, Penobscot Nation
Rep. Donald Soctomah, Passamaquoddy Tribe

STATE OF MAINE

APPROVED

MAR 31 '10

CHAPTER

186

BY GOVERNOR

RESOLVES

IN THE YEAR OF OUR LORD

TWO THOUSAND AND TEN

H.P. 1279 - L.D. 1791

**Resolve, Directing the Right To Know Advisory Committee To Further
Examine Requirements That Public Bodies Keep Records of Public
Proceedings**

Sec. 1. Records of public proceedings. Resolved: That the Right To Know Advisory Committee, established under the Maine Revised Statutes, Title 1, section 411, shall further examine issues related to requiring public bodies to keep records of public proceedings. The issues to be examined must include the form and maintenance of the records to be kept, including how soon the records must be available and how long the records must be retained, the appropriate contents of the records, whether failure to comply with records requirements results in the invalidation of action taken by the public body and other related issues. The advisory committee shall submit a report containing its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than February 15, 2011.

STATE OF MAINE

MAR 29 '10

567

BY GOVERNOR PUBLIC LAW

IN THE YEAR OF OUR LORD

TWO THOUSAND AND TEN

H.P. 1280 - L.D. 1792

**An Act To Implement the Recommendations of the Right To Know Advisory
Committee Concerning Public Records Exceptions**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §244-E is enacted to read:

§244-E. Referral service; confidentiality; public records

1. Identity confidential. The identity of a person making a complaint alleging fraud, waste, inefficiency or abuse through a hotline or other referral service established by the State Auditor for the confidential reporting of fraud, waste, inefficiency and abuse in State Government is confidential and may not be disclosed, unless the person making the complaint agrees in writing to the disclosure of that person's name.

2. Contents of complaint confidential. A complaint alleging fraud, waste, inefficiency or abuse made through a hotline or other referral service established by the State Auditor for the confidential reporting of fraud, waste, inefficiency and abuse in State Government and any resulting investigation is confidential and may not be disclosed except as provided in subsections 3 and 4.

3. Coordination with Office of Program Evaluation and Government Accountability and Attorney General. The State Auditor may disclose information that is confidential under this section to the Director of the Office of Program Evaluation and Government Accountability and the Attorney General to ensure appropriate agency referral or coordination between agencies to respond appropriately to all complaints made under this section.

4. Reports. For each complaint under this section, the State Auditor shall submit a written report to the Governor and publish the report on the auditor's publicly accessible website. The report must include a detailed description of the nature of the complaint, the office, bureau or division within the department or any agency that is the subject of the complaint, the determination of potential cost savings, if any, any recommended action and a statement indicating the degree to which the complaint has been substantiated. The report must be submitted no later than 120 days after the State Auditor receives the complaint. In addition, the State Auditor shall publish a semiannual report to the

Governor and Legislature of the complaints received by the hotline or other referral service, which may be electronically published. The report must include the following information:

- A. The total number of complaints received;
- B. The number of referrals of fraud or other criminal conduct to the Attorney General;
- C. The number of referrals of agency performance issues to the Office of Program Evaluation and Government Accountability; and
- D. The number of investigations by the State Auditor by current status whether opened, pending, completed or closed.

Sec. 2. 10 MRSA §945-J, first ¶, as enacted by PL 1995, c. 648, §5, is amended to read:

The following records and proceedings of the center are confidential and are not open to public inspection for the purposes of Title 1, chapter 13, except as otherwise provided in this section.

Sec. 3. 10 MRSA §945-J, sub-§1, as enacted by PL 1995, c. 648, §5, is amended to read:

1. Proprietary information; other information. Information provided to or developed by the center and included in a business or marketing plan is ~~confidential so long as public unless~~ the person to whom the information belongs or pertains requests that it be designated as confidential and if, ~~when made available, the the center has determined it contains proprietary information would allow a person to obtain a business or competitive advantage over another person or would result in significant detriment to the person to whom the information belongs and when the information is not otherwise available in the public domain.~~ For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the center or the person submitting the information and would make available information not otherwise publicly available.

Sec. 4. 12 MRSA §549-B, sub-§5, ¶D, as enacted by PL 1985, c. 201, §2, is amended to read:

D. An affidavit of investigatory and exploratory work ~~shall~~ must be filed each year with the director of the survey on June 30th. At the time of filing that affidavit, the claimant shall demonstrate to the director that investigatory work has been performed on that claim at a rate of at least \$5 per acre during the year ending June 30th. For claims recorded after April 1st and before June 30th, the first affidavit of investigatory and exploratory work ~~shall~~ must be filed on the 2nd June 30th following. All work done ~~shall~~ must be described in the affidavit and ~~shall~~ include work ~~which that~~ tends to reveal such characteristics of the material sought as length, width, depth, thickness, tonnage and mineral or metal content, or, with respect to nonmetallic minerals, other physical characteristics of the deposit relating directly to

the commercial exploitation of the deposit and such other information relating to the exploration work as the director of the survey may require. ~~This information may be shared with other governmental agencies, but shall not constitute records available for public inspection or disclosure pursuant to Title 1, section 408, during the period of time in which the claim is in effect. During the period of time in which the claim is in effect, this information is confidential and may not be disclosed, except that the information may be shared with other governmental agencies.~~

Sec. 5. 12 MRSA §549-B, sub-§13, as enacted by PL 1985, c. 201, §2, is amended to read:

13. Annual reports. Any person with a mining lease engaged in mine development or mining under this subchapter shall, in the month of June following the year the operation was carried on, pay all applicable fees, rentals and royalties and file an annual report with the director of the survey and director of the agency having jurisdiction over the state-owned land setting forth:

- A. The location of the operation;
- B. The quality and grade of mineral products or ores produced;
- C. The amount of royalty ~~which~~ that has accrued on material extracted;
- D. The number of persons ordinarily employed at operation below ground and above ground; and
- E. Any other information, relating to the mining lease, mine development or mining, the director of the bureau and the director of the agency having jurisdiction over the state-owned lands may require by regulation.

~~This information may be shared with other government is confidential and may not be disclosed, except that the information may be shared with other governmental agencies, but shall not constitute records available for public inspection or disclosure pursuant to Title 1, section 408.~~

Sec. 6. 12 MRSA §550-B, sub-§6, as amended by PL 1999, c. 556, §17, is further amended to read:

6. Information use. Information collected by the Bureau of Geology and Natural Areas, Maine Geological Survey under this ~~chapter~~ section is ~~exempt from~~ subject to Title 1, chapter 13, subchapter ~~1~~ 1, unless the well drilling company to whom the information belongs or pertains requests that it be designated as confidential and the bureau has determined it contains proprietary information. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the person submitting the information and would make available information not otherwise publicly available. The Bureau of Geology and Natural Areas, Maine Geological Survey shall make information collected under this chapter available to any federal, state or municipal entity or authorized agent of such entity.

Sec. 7. 12 MRSA §6455, sub-§1-A, ¶C, as enacted by PL 1993, c. 545, §1, is amended to read:

C. Notwithstanding any provisions of paragraphs A and B:

- (1) All meetings and records of the council are subject to the provisions of Title 1, chapter 13, subchapter 1, except that, ~~by majority vote of the members, the council may designate market studies or promotional plans developed or funded by the council as confidential as provided in subsection 1-B.~~ The commissioner and those members of the Legislature appointed to serve on the joint standing committee of the Legislature having jurisdiction over marine resource matters have access to all material designated confidential by the council;
- (2) Except as required by subsection 2, members of the council are governed by the conflict of interest provisions set forth in Title 5, section 18; and
- (3) For the purposes of the Maine Tort Claims Act, the council is a "governmental entity" and its employees are "employees" as those terms are defined in Title 14, section 8102.

Sec. 8. 12 MRSA §6455, sub-§1-B is enacted to read:

1-B. Market studies and promotional plans; proprietary information. Information provided to or developed by the council and included in a promotional plan or market study is public unless the council determines that it contains proprietary information. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the council or the person submitting the information and would make available information not otherwise publicly available.

Sec. 9. 12 MRSA §8869, sub-§13, as amended by PL 2007, c. 271, §5, is further amended to read:

13. Confidential information. Information provided to the bureau voluntarily or to fulfill reporting requirements for the purposes of establishing and monitoring outcome-based forest policy experimental areas, as created pursuant to section 8003, subsection 3, paragraph Q, is designated as confidential for the purposes of Title 1, section 402, subsection 3, paragraph A if the bureau has determined that failure to designate the information as confidential would provide competitors an opportunity to obtain business or competitive advantage over the person to whom the information belongs or pertains or would result in loss or other significant detriment to that person public unless the person to whom the information belongs or pertains requests that it be designated as confidential and the bureau has determined it contains proprietary information. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the person submitting the information and would make available information not otherwise publicly available. The bureau, working with the landowner and the panel of technical experts appointed under subsection 3-A, may publish reports as long as those reports do not reveal confidential information. This subsection is repealed July 1, 2012.

Sec. 10. 20-A MRSA §13004, sub-§2-A, ¶D is enacted to read:

D. Notwithstanding paragraph A, the following information concerning final written decisions relating to disciplinary action taken by the commissioner against a person holding certification is a public record:

- (1) The name of the person;
- (2) The type of action taken, consisting of denial, revocation, suspension, surrender or reinstatement;
- (3) The grounds for the action taken;
- (4) The relevant dates of the action;
- (5) The type of certification and endorsements held, including relevant dates;
- (6) The schools where the person was or is employed; and
- (7) The dates of employment.

Sec. 11. Requests for bulk data. The Right To Know Advisory Committee shall review and make recommendations concerning the issues involved with requests for public records in bulk, including:

1. Public access to databases;
2. Protection of personal information that is not designated as confidential but is contained in databases that include public records;
3. Reasonable costs for copies when public records are requested in bulk;
4. Whether access or costs should be based on the intended or subsequent use of the information requested in bulk;
5. The acceptable formats for responses to requests, including electronic and paper;
6. The appropriate role for InforME in responding to requests for public records in bulk; and
7. Any other issues the advisory committee considers appropriate.

The advisory committee shall include its recommendations in the 2011 annual report required under the Maine Revised Statutes, Title 1, section 411, subsection 10.

**Freedom of Access Reviews pursuant to Title 1, section 434
124th Legislature, Second Regular Session (2010)**

| LD | Title | Committee | Report | Public Law & Statute |
|------|---|-----------|---------------------------------|--|
| 1 | An Act To Stimulate Capital Investment for Innovative Businesses in Maine | BRED | No change | PL 2009, c. 633 5 MRSA §17057, sub-§4, ¶A |
| 1121 | An Act To Protect Elderly Residents from Losing Their Homes Due to Taxes or Foreclosure | TAX | Small change | PL 2009, c. 489 36 MRSA §6271, sub-§2 |
| 1238 | An Act Concerning the National Animal Identification System | ACF | Small change | PL 2009, c. 544 7 MRSa §1708, sub-§4 |
| 1423 | An Act to Improve Toxics Use Reduction and Reduce Energy Costs by Maine Businesses | NAT | No change | PL 2009, c. 579 38 MRSA §1310-B, sub-§1 |
| 1546 | An Act To Improve Disclosure of Campaign Finance Information and the Operation of the Maine Clean Election Act | LVA | No change | PL 2009, c. 524 21-A MRSA §1125, sub-§2-B |
| 1554 | An Act Regarding Document Fees at County Registries of Deeds | SLG | No change (not reviewable) | PL 2009, c. 575 33 MRSA §651 |
| 1561 | An Act To Regulate the Use of Traffic Surveillance Cameras | TRA | No change | PL 2009, c. 605 29-A MRSA §2117-A, sub-§4 |
| 1568 | An Act To Clarify Maine's Phaseout of Polybrominated Diphenyl Ethers | NAT | No change | PL 2009, c. 610 38 MRSa §1310-B, sub-§1 |
| 1627 | An Act To Improve Access to Data in the Central Voter Registration System | LVA | No change; ask RTK AC to review | PL 2009, c. 564 21-A MRSA §196-A, sub-§1 |
| 1639 | An Act To Stimulate the Maine Economy and Promote the Development of Maine's Priority Transportation Infrastructure Needs | UTE | No change | PL 2009, c. 648 23 MRSA §4251, sub-§10 |

**Freedom of Access Reviews pursuant to Title 1, section 434
124th Legislature, Second Regular Session (2010)**

| LD | Title | Committee | Report | Public Law & Statute |
|------|--|-----------|------------------|---|
| 1651 | An Act To Clarify and Amend Laws Pertaining to Licenses Issued by the Department of Inland Fisheries and Wildlife (e-mail addresses) | IFW | Recommend change | Indefinitely postponed |
| 1786 | An Act Regarding Energy Infrastructure Development | UTE | No change | PL 2009, c. 655 35-A MRSA §122, sub-§1-B, ¶G |
| 1811 | An Act To Amend the Maine Medical Marijuana Act | HHS | No change | PL 2009, c. 631 22 MRSA §2425, sub-§8 |

Not reviewed because no new or expanded confidentiality provisions

| LD | Title | Committee | Report | Public Law & Statute |
|---------|---|-----------|--------|----------------------|
| LD 1781 | An Act To Allow Electronic Filing of Vital Records and Closing of Records To Guard against Fraud and Make Other Changes to the Vital Records Laws | HHS | ---- | PL 2009, c. 601 |

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Existing Public Records Exceptions, Titles 22 - 25
Updated through Second Regular Session, 124th Legislature
May 18, 2010

| | TITLE | SECTION | SUB-SECTION | DESCRIPTION |
|----|-------|---------|-------------|--|
| 1 | 22 | 17 | 7 | Title 22, section 17, subsection 7, relating to records of child support obligors |
| 2 | 22 | 42 | 5 | Title 22, section 42, subsection 5, relating to DHHS records containing personally identifying medical information |
| 3 | 22 | 261 | 7 | Title 22, section 261, subsection 7, relating to records created or maintained by the Maternal and Infant Death Review Panel |
| 4 | 22 | 411 | 7 | Title 22, section 411, subsection 7, defining the "health risk assessment" process |
| 5 | 22 | 664 | 1 | Title 22, section 664, subsection 1, relating to State Nuclear Safety Program facility licensee books and records |
| 6 | 22 | 666 | 3 | Title 22, section 666, subsection 3, relating to the State Nuclear Safety Program concerning the identity of a person providing information about unsafe activities, conduct or operation or license violation |
| 7 | 22 | 811 | 6 | Title 22, section 811, subsection 6, relating to hearings regarding testing or admission concerning communicable diseases |
| 8 | 22 | 815 | 1 | Title 22, section 815, subsection 1, relating to communicable disease information |
| 9 | 22 | 824 | | Title 22, section 824, relating to persons having or suspected of having communicable diseases |
| 10 | 22 | 832 | 3 | Title 22, section 832, subsection 3, relating to hearings for consent to test for the source of exposure for a blood-borne pathogen |
| 11 | 22 | 1064 | | Title 22, section 1064, relating to immunization information system |
| 12 | 22 | 1065 | 3 | Title 22, section 1065, subsection 3, relating to manufacturer and distributor reports on distribution of influenza immunizing agents |
| 13 | 22 | 1233 | | Title 22, section 1233, relating to syphilis reports based on blood tests of pregnant women |
| 14 | 22 | 1317-C | 3 | Title 22, section 1317-C, subsection 3, relating to information regarding the screening of children for lead poisoning or the source of lead exposure |
| 15 | 22 | 1494 | | Title 22, section 1494, relating to occupational disease reporting |
| 16 | 22 | 1555-D | 1 | Title 22, section 1555-D, subsection 1, relating to lists maintained by the Attorney General of known unlicensed tobacco retailers |
| 17 | 22 | 1596 | | Title 22, section 1596, relating to abortion and miscarriage reporting |
| 18 | 22 | 1597-A | 6 | Title 22, section 1597-A, subsection 6, relating to a petition for a court order consenting to an abortion for a minor |
| 19 | 22 | 1696-D | | Title 22, section 1696-D, relating to the identity of chemical substances in use or present at a specific location if the substance is a trade secret |

Existing Public Records Exceptions, Titles 22 - 25
Updated through Second Regular Session, 124th Legislature
May 18, 2010

| | TITLE | SECTION | SUB-SECTION | DESCRIPTION |
|----|-------|---------|-------------|---|
| 20 | 22 | 1696-F | | Title 22, section 1696-F, relating to the identity of a specific toxic or hazardous substance if the substance is a trade secret |
| 21 | 22 | 1711-C | 2 | Title 22, section 1711-C, subsection 2, relating to hospital records concerning health care information pertaining to an individual |
| 22 | 22 | 1711-E | | Not records in hands of public entity |
| 23 | 22 | 1828 | | Title 22, section 1828, relating to Medicaid and licensing of hospitals, nursing homes and other medical facilities and entities |
| 24 | 22 | 1848 | 1 | Title 22, 1848, subsection 1, relating to documents and testimony given to Attorney General under Hospital and Health Care Provider Cooperation Act |
| 25 | 22 | 2153-A | 1 | Title 22, section 2153-A, subsection 1, relating to information provided to the Department of Agriculture by the US Department of Agriculture, Food Safety and Inspection Service |
| 26 | 22 | 2153-A | 2 | Title 22, section 2153-A, subsection 2, relating to information provided to the Department of Agriculture by the US Food and Drug Administration |
| 27 | 22 | 2425 | 8 | Title 22, section 2425, subsection 8, paragraph A, relating to information submitted by qualifying and registered patients under the Maine Medical Use of Marijuana Act |
| 28 | 22 | 2425 | 8 | Title 22, section 2425, subsection 8, paragraph B, relating to information submitted by primary caregivers and physicians under the Maine Medical Use of Marijuana Act |
| 29 | 22 | 2425 | 8 | Title 22, section 2425, subsection 8, paragraph C, relating to list of holders of registry identification cards under the Maine Medical Use of Marijuana Act |
| 30 | 22 | 2425 | 8 | Title 22, section 2425, subsection 8, paragraph F, relating to information contained in dispensary information that identifies a registered patient, the patient's physician and the patient's registered primary caregiver under the Maine Medical Use of Marijuana Act |
| 31 | 22 | 2425 | 8 | Title 22, section 2425, subsection 8, paragraph G, relating to information that identifies applicants for registry identification card, registered patients, registered primary caregivers and registered patients' physicians under the Maine Medical Use of Marijuana Act |
| 32 | 22 | 2425 | 8 | Title 22, section 2425, subsection 8, paragraph J, relating hearing on revocation of a registry identification card under the Maine Medical Use of Marijuana Act unless card is revoked |
| 33 | 22 | 2698-A | 7 | Title 22, section 2698-A, subsection 7, relating to prescription drug marketing costs submitted to the Department of Health and Human Services |

Existing Public Records Exceptions, Titles 22 - 25
Updated through Second Regular Session, 124th Legislature
May 18, 2010

| | TITLE | SECTION | SUB-SECTION | DESCRIPTION |
|----|-------|---------|-------------|--|
| 34 | 22 | 2698-B | 5 | Title 22, section 2698-B, subsection 5, relating to prescription drug information provided by the manufacturer to the Department of Health and Human Services concerning price |
| 35 | 22 | 2699 | 2 | Not records in hands of public entity |
| 36 | 22 | 2706 | 4 | Title 22, section 2706, relating to prohibition on release of vital records in violation of section; recipient must have "direct and legitimate interest" or meet other criteria |
| 37 | 22 | 2706-A | 6 | Title 22, section 2706-A, subsection 6, relating to adoption contact files |
| 38 | 22 | 2769 | 4 | Title 22, section 2769, subsection 4, relating to adoption contact preference form and medical history form |
| 39 | 22 | 3022 | 8, 12, 13 | Title 22, section 3022, subsections 8, 12 and 13, relating to medical examiner information |
| 40 | 22 | 3034 | 2 | Title 22, section 3034, subsection 2, relating to the Chief Medical Examiner missing persons files |
| 41 | 22 | 3188 | 4 | Title 22, section 3188, subsection 4, relating to the Maine Managed Care Insurance Plan Demonstration for uninsured individuals |
| 42 | 22 | 3192 | 13 | Title 22, section 3192, subsection 13, relating to Community Health Access Program medical data |
| 43 | 22 | 3474 | 1 | Title 22, section 3474, subsection 1, relating to adult protective records |
| 44 | 22 | 3762 | 3 | Title 22, section 3762, subsection 3, relating to TANF recipients |
| 45 | 22 | 4007 | 1-A | Title 22, section 4007, subsection 1-4, relating to a protected person's current or intended address or location in the context of child protection proceeding |
| 46 | 22 | 4008 | 3-A | Title 22, section 4008, subsection 3-A, relating to the child death and serious injury review panel |
| 47 | 22 | 4008 | 1 | Title 22, section 4008, subsection 1, relating to child protective records |
| 48 | 22 | 4008 | 3-A | Title 22, section 4008, subsection 3-A, relating to records of child death and serious injury review panel |
| 49 | 22 | 4018 | 4 | Title 22, section 4018, subsection 4, relating to information about a person delivering a child to a safe haven |
| 50 | 22 | 4021 | 3 | Title 22, section 4021, subsection 3, relating to information about interviewing a child without prior notification in a child protection case |
| 51 | 22 | 4087-A | 6 | Title 22, section 4087-A, subsection 6, relating to information held by or records or case-specific reports maintained by the Child Welfare Ombudsman |
| 52 | 22 | 4306 | | Title 22, section 4306, relating to general assistance |

Existing Public Records Exceptions, Titles 22 - 25
Updated through Second Regular Session, 124th Legislature
May 18, 2010

| | TITLE | SECTION | SUB-SECTION | DESCRIPTION |
|----|-------|---------|-------------|--|
| 53 | 22 | 5328 | 1 | Title 22, section 5328, subsection 1, relating to community action agencies records about applicants and providers of services |
| 54 | 22 | 7250 | 1 | Title 22, section 7250, subsection 1, relating to the Controlled Substances Prescription Monitoring Program |
| 55 | 22 | 7703 | 2 | Title 22, section 7703, subsection 2, relating to facilities for children and adults |
| 56 | 22 | 8707 | | Title 22, section 8707, relating to the Maine Health Data Organization |
| 57 | 22 | 8754 | | Title 22, section 8754, relating to medical sentinel events and reporting |
| 58 | 22 | 8824 | 2 | Title 22, section 8824, subsection 2, relating to the newborn hearing program |
| 59 | 22 | 8943 | | Title 22, section 8943, relating to the registry for birth defects |
| 60 | 23 | 63 | | Title 23, section 63, relating to records of the right-of-way divisions of the Department of Transportation and the Maine Turnpike Authority |
| 61 | 23 | 753-A | 3, 4, 6 | Title 23, section 753-A, subsections 3, 4 and 6, relating to design-build contracts for state highways |
| 62 | 23 | 1980 | 2-B | Title 23, section 1980, subsection 2-B, relating to recorded images used to enforce tolls on the Maine Turnpike |
| 63 | 23 | 1982 | | Title 23, section 1982, relating to patrons of the Maine Turnpike |
| 64 | 23 | 4251 | 10 | Title 23, section 4251, subsection 10, relating to records in connection with public-private transportation project proposals of at least \$25,000,000 or imposing new tolls |
| 65 | 23 | 8115 | | Title 23, section 8115, relating to the Northern New England Passenger Rail Authority |
| 66 | 24 | 2302-A | 3 | Title 24, section 2302-A, subsection 3, relating to utilization review data provided by nonprofit hospital or medical service organization |
| 67 | 24 | 2307 | 3 | Title 24, section 2307, subsection 3, relating to an accountant's work papers concerning nonprofit hospital or medical service organizations |
| 68 | 24 | 2329 | 8 | Title 24, section 2329, subsection 8, relating to alcoholism and drug treatment patient records of nonprofit hospitals and medical service organizations |
| 69 | 24 | 2510 | 1 | Title 24, section 2510, subsection 1, relating to professional competence reports under the Maine Health Security Act |
| 70 | 24 | 2510-A | | Title 24, section 2510-A, relating to professional competence review records under the Maine Health Security Act |
| 71 | 24 | 2604 | | Title 24, section 2604, relating to liability claims reports under the Maine Health Security Act |

Existing Public Records Exceptions, Titles 22 - 25
Updated through Second Regular Session, 124th Legislature
May 18, 2010

| | TITLE | SECTION | SUB-SECTION | DESCRIPTION |
|----|-------|---------|-------------|--|
| 72 | 24 | 2853 | 1-A | Title 24, section 2853, subsection 1-A, relating to action for professional negligence under the Maine Health Security Act |
| 73 | 24 | 2857 | 1, 2 | Title 24, section 2857, subsections 1 and 2, relating to mandatory prelitigation screening and mediation panels |
| 74 | 24 | 2986 | 2 | Title 24, section 2986, subsection 2, relating to billing for forensic examinations for alleged victims of gross sexual assault |
| 75 | 24 | 2986 | 3 | Title 24, section 2986, subsection 3, relating to District Court hearings on storing or processing forensic examination kit of gross sexual assault |
| 76 | 24-A | 216 | 2, 5 | Title 24-A, section 216, subsections 2 and 5, relating to relating to records of the Bureau of Insurance |
| 77 | 24-A | 222 | 13 | Title 24-A, section 222, subsection 13, relating to insurance information filed with the Superintendent of Insurance concerning registration statements, tender offers, requests or invitations for tender offers, options to purchase, agreements |
| 78 | 24-A | 225 | 3 | Title 24-A, section 225, subsection 3, relating to insurance examination reports |
| 79 | 24-A | 226 | 2 | Title 24-A, section 226, subsection 2, relating to insurance examination reports furnished to the Governor, the Attorney General and the Treasurer of State pending final decision |
| 80 | 24-A | 227 | | Title 24-A, section 227, relating to information pertaining to individuals in insurance examination reports |
| 81 | 24-A | 414 | 4, 5 | Title 24-A, section 414, subsections 4 and 5, relating to insurance certificate of authority audit work papers |
| 82 | 24-A | 423-C | 4 | Title 24-A, section 423-C, subsection 4, relating to insurance reports of material transactions |
| 83 | 24-A | 796-A | | Title 24-A, section 796-A, relating to proprietary business information of special purpose insurance vehicle filed with the Superintendent of Insurance |
| 84 | 24-A | 952-A | 4 | Title 24-A, section 952-A, subsection 4, relating to actuarial opinion of reserves |
| 85 | 24-A | 994 | 2, 4 | Title 24-A, section 994, subsection 2, paragraph A, and subsection 4 relating to property and casualty actuarial report, work papers or actuarial opinion summary in possession or control of Bureau of Insurance |
| 86 | 24-A | 1420-N | 6 | Title 24-A, section 1420-N, subsection 6, relating to insurers and producers |
| 87 | 24-A | 1905 | 1 | Title 24-A, section 1905, subsection 1, relating to credit and investigative reports concerning insurance administrator applicants |
| 88 | 24-A | 1911 | | Title 24-A, section 1911, relating to insurance audits and examinations |

Existing Public Records Exceptions, Titles 22 - 25
Updated through Second Regular Session, 124th Legislature
May 18, 2010

| | TITLE | SECTION | SUB-SECTION | DESCRIPTION |
|-----|-------|---------|-------------|--|
| 89 | 24-A | 2169-B | 6 | Title 24-A, section 2169-B, subsection 6, insurance scoring model |
| 90 | 24-A | 2187 | 6 | Title 24-A, section 2187, subsection 6, relating to insurance fraud reporting |
| 91 | 24-A | 2204 | 4 | Title 24-A, section 2204, subsection 4, relating to insurance investigative information (definition) |
| 92 | 24-A | 2304-A | 7 | Title 24-A, section 2304-A, subsection 7, relating to insurance rate filings |
| 93 | 24-A | 2315 | | Title 24-A, section 2315, relating to information submitted to fire insurance advisory organizations |
| 94 | 24-A | 2323 | 4 | Title 24-A, section 2323, subsection 4, relating to reports of insurers concerning loss and expense experience |
| 95 | 24-A | 2384-B | 8 | Title 24-A, section 2384-B, subsection 8, relating to workers' compensation insurance rating concerning claims and self-insurance |
| 96 | 24-A | 2384-C | 7 | Title 24-A, section 2384-C, subsection 7, relating to workers' compensation insurance concerning claims and self-insurance |
| 97 | 24-A | 2393 | 2 | Title 24-A, section 2393, subsection 2, relating to workers' compensation pool self-insurance and surcharges |
| 98 | 24-A | 2412 | 8 | Title 24-A, section 2412, subsection 8, relating to insurance contracts and forms |
| 99 | 24-A | 2483 | 6 | Title 24-A, section 2483, subsection 6, relating to the Interstate Insurance Product Regulation Commission work papers and individuals privacy and proprietary information of insurers |
| 100 | 24-A | 2736 | 2 | Title 24-A, section 2736, subsection 2, relating to rate filings on individual health insurance policies |
| 101 | 24-A | 2749 | 3 | Title 24-A, section 2749, subsection 3, relating to utilization review data for health insurance contracts |
| 102 | 24-A | 2808-B | 2-A | Title 24-A, section 2808-B, subsection 2-A, relating to rate filings for small group health plans |
| 103 | 24-A | 2842 | 8 | Title 24-A, section 2842, subsection 8, relating to relating to alcoholism and drug treatment patient records for group and blanket health insurance |
| 104 | 24-A | 2847 | 3 | Title 24-a, section 2847, subsection 3, relating to utilization review data for group and blanket health insurance |
| 105 | 24-A | 4204 | 2-A | Title 24-A, section 4204, subsection 2-A, relating to quality assurance programs of health maintenance organizations |
| 106 | 24-A | 4224 | 1, 2 | Title 24-A, section 4224, subsections 1 and 2, relating to quality assurance committees of health maintenance organizations |
| 107 | 24-A | 4228 | 3 | Title 24-A, section 4228, subsection 3, relating to utilization review data for health maintenance organizations |

Existing Public Records Exceptions, Titles 22 - 25
Updated through Second Regular Session, 124th Legislature
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| | TITLE | SECTION | SUB-SECTION | DESCRIPTION |
|-----|-------|---------|-------------|--|
| 108 | 24-A | 4233 | 2 | Title 24-A, section 4233, subsection 2, relating to health maintenance organizations work papers filed with the Superintendent of Insurance |
| 109 | 24-A | 4245 | 1, 3 | Title 24-A, section 4245, subsections 1 and 3, relating to health maintenance organizations accreditation survey report |
| 110 | 24-A | 4406 | 3 | Title 24-A, section 4406, subsection 3, relating to delinquent insurers |
| 111 | 24-A | 4612-A | 1 | Title 24-A, section 4612-A, subsection 1, relating to information reported by the Superintendent of Insurance to the National Association of Insurance Commissioners Insurance Regulatory Information System board |
| 112 | 24-A | 6458 | 1 | Title 24-A, section 6458, subsection 1, relating to risk-based capital standards for insurers |
| 113 | 24-A | 6708 | 2 | Title 24-A, section 6708, subsection 2, relating to examination of captive insurance companies documents |
| 114 | 24-A | 6715 | | Title 24-A, section 6715, relating to captive insurance companies information submitted to the Superintendent of Insurance |
| 115 | 24-A | 6807 | 7 | Title 24-A, section 6807, subsection 7, paragraph A, relating to individual identification data of viators |
| 116 | 24-A | 6818 | 6, 8 | Title 24-A, section 6818, subsections 6 and 8, relating to fraudulent viatical or life insurance settlements information provided for enforcement |
| 117 | 24-A | 6907 | 2 | Title 24-A, section 6907, subsection 2, relating to health information obtained by Dirigo Health covered by the federal Health Insurance Portability and Accountability Act of 1996, or c. 24, or T.22 section 1711-C |
| 118 | 24-A | 6907 | 3 | Title 24-A, section 6907, subsection 3, relating to practitioner-specific quality data collected, used, produced or maintained for measuring the professional performance of a health care practitioner by the Maine Quality Forum |
| 119 | 24-A | 6907 | 1 | Title 24-A, section 6907, subsection 1, relating to personally identifiable financial information obtained by Dirigo Health |
| 120 | 25 | 1577 | 1 | Title 25, section 1577, subsection 1, relating to the state DNA data base and the state DNA data bank |
| 121 | 25 | 2006 | | Title 25, section 2006, relating to concealed firearms permit applications |
| 122 | 25 | 2413 | 1 | Title 25, section 2413, subsection 1, relating to information received under the Arson Reporting Immunity Act |
| 123 | 25 | 2806 | 8 | Title 25, section 2806, subsection 8, relating to proceedings of the board of trustees of the Maine Criminal Justice Academy concerning complaints of misconduct of law enforcement officers |

Existing Public Records Exceptions, Titles 22 - 25
Updated through Second Regular Session, 124th Legislature
May 18, 2010

| | TITLE | SECTION | SUB-SECTION | DESCRIPTION |
|-----|-------|---------|---------------|--|
| 124 | 25 | 2929 | 1, 2, 3, 4 | Title 25, section 2929, subsections 1, 2, 3 and 4, relating to emergency services communications |
| 125 | 25 | 2929 | 2 | Title 25, section 2929, subsection 2, relating to public safety answering point records |
| 126 | 25 | 2957 | | Title 25, section 2957, relating to Maine Drug Enforcement Agency investigative records |

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TROY DALE JACKSON, DISTRICT 35
JONATHAN T. E. COURTNEY, DISTRICT 3

ANNA BROOME, LEGISLATIVE ANALYST
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STATE OF MAINE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

March 9, 2010

Richard B. Thompson, Chief Information Officer
Office of Information Technology
145 State House Station
Augusta, ME 04333-0145

Dear Mr. Thompson,

The State and Local Government Committee recently heard and worked LD 1554, An Act Regarding Document Fees at County Registries of Deeds. Although the Committee has completed its work on this LD, considerable issues remain unresolved relating to the possible purchase and sale of bulk data from the 18 different deed registries across Maine.

As you know, requests for bulk records kept by various levels of government are becoming an increasing issue. Members of the Committee are not convinced that ownership of records should necessarily be transferred to private businesses given the costs involved in developing databases and collecting and keeping records. We understand that there is a likelihood that the Right To Know Advisory Committee will be asked to review issues involved with requests for public records in bulk as part of LD 1792, An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions.

In addition to the RTKAC issue, which you are no doubt involved in, we request that you convene a stakeholder group that specifically relates to county registry records and bulk data. The stakeholder group should include the Maine County Commissioners Association, the Register of Deeds Association, the Maine Association of Realtors, a person representing the interests of title attorneys, a representative from the Right to Know Advisory Committee, a representative from MacImage, and any other parties that are relevant and interested. The group should focus on defining bulk data transfers, evaluate the best way to handle such requests and the development of a web portal for the 18 county registry offices. We ask that you report back to our Committee by January 15th, 2011 so that we can consider this issue in the First Regular Session of the 125th Legislature.

If you have any questions please feel free to contact one of us, or the Committee's legislative analyst, Anna Broome.

Sincerely,

Senator Deborah L. Simpson
Senate Chair

Representative Stephen R. Beaudette
House Chair

(6)

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND TEN

H.P. 1093 - L.D. 1551

APPROVED

MAR 25 '10

BY GOVERNOR

CHAPTER

171

RESOLVES

**Resolve, Directing the Right To Know Advisory Committee To Examine
Issues Related to Communications of Members of Public Bodies**

Sec. 1. Right To Know Advisory Committee review and recommendations. Resolved: That the Right To Know Advisory Committee shall examine the following issues and include recommendations in the annual report due January 15, 2011 under Title 1, section 411, subsection 10 concerning:

1. How the freedom of access laws can appropriately address the use of communication technologies, both existing and those to be developed in the future, to ensure that decisions are made in proceedings that are open and accessible to the public;

2. If penalties for violations of the freedom of access laws should be revised, including consideration of criminalizing violations and making the individual who violates the laws responsible for the penalty, rather than the governmental entity; and

3. If partisan party caucuses should be specifically excluded from the definition of "public proceedings."

STATE OF MAINE

APPROVED

MAR 31 '10

BY GOVERNOR

CHAPTER

184

RESOLVES

IN THE YEAR OF OUR LORD

TWO THOUSAND AND TEN

H.P. 1288 - L.D. 1802

**Resolve, Directing the Right To Know Advisory Committee To Examine
Issues Related to Private Information Contained in the Communications of
Public Officials**

Sec. 1. Electronic and other communications. Resolved: That the Right To Know Advisory Committee, established under the Maine Revised Statutes, Title 1, section 411, shall examine issues relating to the protection of private information contained in electronic and other communications that are sent and received by public officials, particularly communications between elected public officials and their constituents. The advisory committee shall consider confidentiality requirements related to Legislators' oversight responsibilities. The advisory committee shall also consider appropriate warnings for public officials to provide with regard to communications that are or may be public records. The advisory committee shall submit a report containing its findings and recommendations with suggested legislation to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than November 30, 2010.

STATE OF MAINE

MAR 3 1 '10 575

IN THE YEAR OF OUR LORD BY GOVERNOR PUBLIC LAW
TWO THOUSAND AND TEN

H.P. 1096 - L.D. 1554

An Act Regarding Document Fees at County Registries of Deeds**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 33 MRSA §651, as repealed and replaced by PL 2003, c. 55, §1, is amended to read:

§651. Records; index

The records and indexes in each registry office must be made and kept for public inspection on at least one of the following media: white, acid-free paper, microfilm, microfiche, or digital image stored on magnetic or optical media. The register shall make an alphabetical index to the records without charge to the county so that the same surnames are recorded together and shall show in addition to the names of the parties and the nature of the instrument, the date of the instrument, the date of its record and the name of the city, town or unincorporated place where the land conveyed is situated. As often as every 10 years the register shall revise and consolidate the index in such manner that all deeds recorded since the last revision of the index are indexed so that the same surnames appear together and all names are in alphabetical order. The revised and consolidated index must contain all data as to each and every deed or other instrument referred to in this section. If it becomes necessary to revise, renew or replace any index, the new index must be made in conformity with this section.

When the register of deeds is required by law or common practice to make a note in the margin of a record, it is determined sufficient if the note is made to the index in such a fashion that the note becomes a permanent part of the indexing of the record to which the marginal note is required to be made.

The register shall prepare, or have prepared, a microfilm record of each page of every instrument, plan or other document recorded in the registry office. The microfilm record made must be stored in a fireproof area. When original record books or plans are considered by the register to be in a condition that warrants withdrawal from regular use, the register may make a true copy of the contents of the record or may provide suitable means for reading the microfilm, microfiche or digital image stored on magnetic or optical media of the instruments withdrawn. The records and certified copies made either

from the true copy or from images stored as provided in this section must be received in all courts of law with the same legal effect as those contained in the original.

Notwithstanding Title 1, section 408, subsection 3, this chapter governs fees for copying records maintained under this chapter.

Sec. 2. 33 MRSA §751, sub-§14, as amended by PL 1991, c. 497, §8, is further amended to read:

14. Abstracts and copies. Making abstracts and copies from the records, a reasonable fee as determined by the county commissioners for each category of abstracts and copies, such as paper copies, attested copies, copies obtained online and bulk transfers of copies. In setting a reasonable fee for each category of abstracts and copies, the commissioners shall consider factors relating to the cost of producing and making copies available, which may include, but are not limited to: the cost of depleted supplies; records storage media costs; actual mailing and alternative delivery costs or other transmitting costs; amortized infrastructure costs; any direct equipment operating and maintenance costs; costs associated with media processing time; personnel costs, including actual costs paid to private contractors for copying services; contract and contractor costs for database maintenance and for online provision and bulk transfer of copies in a manner that protects the security and integrity of registry documents; and a reasonable rate for the time a computer server is dedicated to fulfilling the request; and

STATE OF MAINE

MAR 29 '10

564

BY GOVERNOR PUBLIC LAW

IN THE YEAR OF OUR LORD

TWO THOUSAND AND TEN

H.P. 1155 - L.D. 1627

An Act To Improve Access to Data in the Central Voter Registration System**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 21-A MRSA §22, sub-§3, ¶B, as enacted by PL 2005, c. 568, §2, is amended to read:

B. For a voter who submits to the registrar a signed statement that the voter has a good reason to believe that the physical safety of the voter or a member of the voter's immediate family residing with the voter would be jeopardized if the voter's residence address were open to public inspection, that voter's residence address and mailing address, if the mailing address is the same as or discloses the voter's residence address, must be kept confidential and must be excluded from public inspection. The remainder of the information in that voter's record that is designated as public information in section 196 196-A remains a public record and may be made available to the public according to the use and distribution requirements provided in that section. The voter's signed statement is also a public record. A voter's address that is excluded from public inspection under this paragraph may be made available free of charge to a law enforcement officer or law enforcement agency that makes a written request to use the information for a bona fide law enforcement purpose or to a person identified by a court order if directed by that order.

Sec. 2. 21-A MRSA §191, as amended by PL 2005, c. 364, §6; c. 453, §40; and c. 683, Pt. A, §§31 and 32, is repealed.

Sec. 3. 21-A MRSA §192, as amended by PL 2005, c. 12, Pt. SS, §21 and c. 453, §41, is repealed.

Sec. 4. 21-A MRSA §193, as amended by PL 2005, c. 453, §42, is repealed.

Sec. 5. 21-A MRSA §194, as amended by PL 2005, c. 453, §43, is further amended to read:

§194. Rules

The Secretary of State may adopt rules regarding ~~implementation and~~ administration of a central voter registration system to determine the pricing, accessibility and

availability of information contained in the database and the appropriate use and resale of that information; ~~to establish a plan to implement the system in stages for all municipal jurisdictions; and~~ to identify additional system features or voter information to be included in the system or provide for the confidentiality of certain personal information or limitations on the use and distribution of that information; ~~and to establish a system to identify duplicate records, including establishment of a voter identification indicator.~~

Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter H-A 2-A.

Sec. 6. 21-A MRSA §195, as amended by PL 2007, c. 397, §1, is further amended to read:

§195. Report

The Secretary of State shall report annually, by ~~March 1st~~ January 15th, to the joint standing committee of the Legislature having jurisdiction over voter registration matters on the administration of the central voter registration system ~~developed pursuant to this subchapter.~~ The report may ~~include~~ address issues of public access to the information from the central voter registration system, taking into consideration the compelling state interests to prevent voter fraud and the potential disenfranchisement of voters and to ensure that voters are not discouraged from participating in the voting process. The report may include suggested legislation necessary to administer the central voter registration system. The committee may report out legislation regarding the central voter registration system to the Legislature ~~during the First Regular Session of the 121st Legislature and any subsequent Legislature.~~

Sec. 7. 21-A MRSA §196, as amended by PL 2009, c. 370, §§4 and 5, is repealed.

Sec. 8. 21-A MRSA §196-A is enacted to read:

§196-A. Use and distribution of central voter registration system information

1. Access to data from the central voter registration system. For the purposes of Title 1, section 402, information contained electronically in the central voter registration system and any information or reports generated by the system are confidential and may be accessed only by municipal and state election officials for the purposes of election and voter registration administration, and by others only as provided in this section.

A. An individual voter may obtain any information contained in that voter's record within the central voter registration system either from the registrar in the voter's municipality of residence or from the Secretary of State. The individual voter information must be made available to that voter upon request and free of charge. The Secretary of State may design a report to facilitate providing information to an individual voter.

B. A political party, or an individual or organization engaged in so-called "get out the vote" efforts or activities directly related to a campaign, may purchase a list or report of certain voter information from the central voter registration system by making a request to the Secretary of State or to a registrar if the information

requested concerns voters in that municipality. The Secretary of State or the registrar shall make available the following voter record information, subject to the fees set forth in subsection 2: the voter's name, residence address, mailing address, year of birth, enrollment status, electoral districts, voter status, date of registration, date of change of the voter record if applicable, voter participation history, voter record number and any special designations indicating uniformed service voters, overseas voters or township voters. Any person obtaining, either directly or indirectly, information from the central voter registration system under this paragraph may not sell, distribute or use the data for any purpose that is not directly related to activities of a political party, "get out the vote" efforts or activities directly related to a campaign. This paragraph does not prohibit political parties, party committees, candidate committees, political action committees or any other organizations that have purchased information from the central voter registration system from providing access to such information to their members for purposes directly related to party activities, "get out the vote" efforts or a campaign. For purposes of this paragraph, "campaign" has the same meaning as in section 1052, subsection 1.

C. The registrar shall make available, in electronic form and free of charge, upon the request of any person authorized under section 312 to obtain a municipal caucus list, the following voter record information for each voter in the municipality: the voter's name, residence address, mailing address, enrollment status, electoral districts, voter status, voter record number and any special designation indicating whether the voter is a uniformed service voter, overseas voter or township voter. The Secretary of State also shall make available the statewide caucus list, in electronic form and free of charge, to the state committee of each political party.

D. A municipal clerk or registrar shall make available to any person upon request and free of charge an electronic list of voters who requested or were furnished absentee ballots for their municipality for a specified election. The Secretary of State may make available free of charge the statewide absentee voter list in electronic form. The electronic list must include the information provided in section 753-B, subsection 6, paragraph A, except that the voter's record number must be provided instead of the voter's name and residence address. In addition, a municipal clerk or registrar shall make available upon request, subject to the fees set forth in subsection 2, paragraph A, the printed list, created and maintained pursuant to section 753-B, of voters who requested or were furnished absentee ballots.

E. The Secretary of State or a registrar may make available, upon the request of any other governmental or quasi-governmental entity, certain voter information for that entity's authorized use only. The following information may be provided in electronic form and free of charge: the voter's name, residence address, mailing address, electoral districts, voter status, date of registration or date of change of the voter record if applicable, voter record number and any special designations indicating uniformed service voters, overseas voters or township voters. Data made available under this paragraph may not be used for solicitation or for purposes other than the governmental or quasi-governmental entity's authorized activities and may not be redistributed.

Authorized uses of the data by the Legislature include providing voter information to a Legislator for purposes of communicating with the Legislator's constituents and conducting legislative business.

F. The Secretary of State shall make available to any person upon request and free of charge the following voter record information in electronic form: either the voter's first name or last name, but not both names in the same report; year of birth; enrollment status; electoral districts to include congressional district and county only; voter status; date of registration or date of change of the voter record if applicable; date of the last statewide election in which the voter voted; and any special designations indicating uniformed service voters, overseas voters or township voters. The Secretary of State or the registrar also may make available to any person upon request and free of charge any report or statistical information that does not contain the names, dates of birth, voter record numbers or addresses of individual voters.

G. The Secretary of State or a registrar shall make available free of charge any information pertaining to individual voters, other than participants in the Address Confidentiality Program established in Title 5, section 90-B, that is contained in the central voter registration system to a law enforcement officer or law enforcement agency that makes a written request to use the information for a bona fide law enforcement purpose or to a person identified by a court order if directed by that order. Information pertaining to individual voters who are Address Confidentiality Program participants that is contained in the central voter registration system may be made available for inspection to a law enforcement agency that is authorized by the Secretary of State pursuant to Title 5, section 90-B to obtain Address Confidentiality Program information. Data made available under this paragraph may not be used for purposes other than law enforcement or as directed in the court order.

H. When responding to a request about a specific voter registered in a specific municipality, the registrar of that municipality or the Secretary of State may use information contained in the central voter registration system to provide the registration status, enrollment status and electoral districts for that voter.

2. Fees. For the purpose of calculating fees pursuant to this section, a record includes the information on one individual voter. Fees paid to the Secretary of State must be deposited into a dedicated fund for the purpose of offsetting the cost of providing the information and maintaining the central voter registration system and other authorized costs relating to compliance with the federal Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666. A municipality may keep the fees paid to the municipality. The fees for information provided pursuant to this section are as follows:

A. The fee for information provided in printed form is \$1 for the first page and 25¢ per page for all additional pages, except that the fee for additional pages of mailing labels is 75¢ per page; and

B. The fee for information provided in electronic form is based on the number of records requested. The fee entitles the requestor to receive the initial electronic report or file and, upon request, up to 11 updates free of charge during the subsequent 12-month period, except that no more than one free update may be requested during any 30-day period. The fee schedule is as follows:

- (1) For 900,001 or more voter records, \$2,200;
- (2) For 600,001 to 900,000 voter records, \$1,650;
- (3) For 400,001 to 600,000 voter records, \$1,100;
- (4) For 250,001 to 400,000 voter records, \$825;
- (5) For 150,001 to 250,000 voter records, \$550;
- (6) For 100,001 to 150,000 voter records, \$275;
- (7) For 75,001 to 100,000 voter records, \$220;
- (8) For 50,001 to 75,000 voter records, \$182;
- (9) For 35,001 to 50,000 voter records, \$138;
- (10) For 25,001 to 35,000 voter records, \$83;
- (11) For 15,001 to 25,000 voter records, \$55;
- (12) For 7,501 to 15,000 voter records, \$33;
- (13) For 1,001 to 7,500 voter records, \$22; or
- (14) For 1 to 1,000 voter records, \$11.

3. Response to requests. Municipal clerks, registrars and the Secretary of State's office shall respond to all requests for information from the central voter registration system pursuant to this section within 5 business days of receipt of a written request and upon payment of any applicable fee. A municipal clerk or registrar may provide only information concerning voters registered within that municipal jurisdiction. The Secretary of State may design a form to be used for all requests for information or lists from the central voter registration system.

Sec. 9. 21-A MRSA §312, as amended by PL 2005, c. 453, §45, is further amended to read:

§312. Municipal caucus list

The chair or secretary of the municipal committee or the person or persons calling a biennial municipal caucus, including any resident voter pursuant to section 311, subsection 5, may request from the municipal registrar and receive at no charge a certified copy of a list of voters registered in that municipality a list of registered voters pursuant to section 196-A, subsection 1 for use by the municipal committee once each biennial election cycle beginning January 1st in an election year. ~~Upon receipt of a request, the registrar has 5 business days to prepare and provide the municipal caucus list to the requester. The municipal caucus list may include only the following information for each voter: name, residence address, mailing address, enrollment status, electoral district, voter status as active or inactive, voter record number and any special designation indicating whether the voter is a uniformed service voter, overseas voter or township voter.~~

Sec. 10. Application. This Act does not apply to any requests for information from the central voter registration system submitted to a municipal registrar or to the Secretary of State prior to the effective date of this Act, except that any person or entity that has requested information from the central voter registration system in electronic form within 12 months prior to the effective date of this Act and that has paid the fees required under the Maine Revised Statutes, Title 21-A, former section 196, subsection 4 may obtain free monthly updates of the data for the remainder of the 12-month period, upon request.